

*Amendments to the Drawings*

The attached two sheets of drawings include changes to Figs. 1-4. These sheets, which include Figs. 1-4, replace the original sheets including those same Figures. The changes are:

Figs. 1-3 are amended to include the legend - - Prior Art - -.

Fig. 3 is also amended by adding label numerals - - 10 - - and - - 15 - -, and by changing “31” to - - 11i - -.

Fig. 4 is amended by changing “112a” to - - 115a - -; by changing “112b” to - - 115b - -; by adding - - 100 - -; and by changing “81” to - - 110i - -.

Attachment: Replacement Sheets  
Annotated Sheets Showing Changes

## *REMARKS*

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-3, 5-10, and 12-18 are now present in this application. Claims 1 and 8 are independent.

Amendments have been made to the specification and the drawings, claims 4 and 11 have been canceled, claims 1, 7, 8, and 14 have been amended, and claims 15-18 are added. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

### *Priority Under 35 U.S.C. § 119*

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

### *Objection to the Drawings*

The Examiner has objected to the drawings because the drawing figures contains some labels that are not disclosed in the specification and do not show all labels disclosed in the specification, and because Figs. 1-3 are not labeled as prior art. This objection is respectfully traversed.

Applicants thank the Examiner for the thorough review of the specification and drawings. Applicants have also further reviewed the specification and drawings with the Examiner's observations in mind, and are amending both the specification and drawings to make the specification and drawings consistent. Based on this further review, Applicants have determined that Fig. 3 labels two different elements with the same reference numeral, i.e., "31." To correct this informality, Applicants have replaced one instance of "31" with number "11i" in Fig. 3.

Applicants have also amended Fig. 3 by adding labels "10" and "15" based on the informalities noted by the Examiner.

Applicants have also amended Fig. 4 by replacing "112a" with - - 115a - - and by replacing "112b" with - - 115b - -; and by adding cabinet label number 100. Also, to be consistent with the new label "11i" in Fig. 3, Applicants have replaced numeral "81" in Fig. 4 with - - 110i - -.

Applicants also respectfully submit that Fig. 4 does actually show tub 200 labeled as such, contrary to the assertion that element 200 is not shown in any drawing figure.

Applicants have also made changes to the specification that are consistent with the drawings, including the drawing changes.

Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

With respect to the suggestion to label Figs. 1-3 as "Prior Art," Applicants have labeled Figs. 1-3 as "Prior Art." Applicants submit that the drawing corrections filed herewith, which include the label "Prior Art", meet the criteria of MPEP § 608.02(g). Accordingly, reconsideration and withdrawal of this objection, and approval of the drawing corrections filed herewith, are

respectfully requested.

Specification Amendments

Applicants have amended the specification in order to make it consistent with the drawings. In particular, applicants have amended paragraph 14 to describe element “31” (amended to be - - 11i - -) in Fig. 3; and have amended paragraph [0048] to describe element “81” (amended to be - - 110i) in Fig. 4. Also, paragraph [0048] has been amended by replacing “cabinet 110” with - - front panel 110 - - to make the specification be more consistent with the drawings.

Rejection Under 35 U.S.C. § 102

Claims 1-14 stand rejected under 35 U.S.C. § 102(a) as being anticipated by the admitted state of the art, ASA, disclosed by Applicant. This rejection is respectfully traversed.

Initially, Applicants note that this rejection is moot with respect to claims 4 and 11, which have been canceled.

During patent examination the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444(Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788(Fed. Cir. 1984). If the PTO fails to meet this burden, then the Applicant is entitled to the patent. Applicants respectfully submit that the PTO has failed to meet this burden.

Applicants' Figs. 1-3 do not disclose the invention recited in independent claims 1 and 8, as amended. For example, none of those figures showing the recited notch recesses formed at both ends of the top and bottom flanges in the vicinity of both ends of the top and bottom frames, respectively.

Moreover, claims 2, 3, 5-10 and 12-14 all recite these features, so these claims patentably define over Figs. 1-3 at least for these reasons. Additionally, the claimed "U-shaped" recess feature of claims 6 and 13 is not disclosed by Figs. 1-3, either.

Accordingly, the Office Action fails to make out a *prima facie* case of anticipation of the claimed invention by Figs. 1-3.

Claims 1-14 also stand rejected under 35 USC §102(b) as being anticipated by U.S. patent No. 4,307,588 to Smith. This rejection is respectfully traversed.

Initially, Applicants note that this rejection is moot with respect to claims 4 and 11, which have been canceled.

During patent examination the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In *re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444(Fed. Cir. 1992); In *re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788(Fed. Cir. 1984). If the PTO fails to meet this burden, then the Applicant is entitled to the patent.

Applicants respectfully submit that the PTO has failed to meet this burden.

A prior art reference anticipates the subject matter of a claim when that reference discloses every feature of the claimed invention, either explicitly or inherently. *In re Schreiber*,

128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed Cir. 1997). While, of course, it is possible that it is inherent in the operation of the prior art device that a particular element operates as theorized by the Examiner, inherency may not be established by probabilities or possibilities. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The rejection relies on Figs. 2 and 4 of Smith, which clearly do not disclose the claimed feature of notch recesses formed at both ends of the top and bottom flanges in the vicinity of both ends of the top and bottom frames, respectively. Furthermore, with respect to claims 6 and 13, Smith does not disclose the recited u-shaped recess notch feature. At best, Smith discloses a straight edged upper flange of removable front 4 with a rectangular projection (shown best in Fig. 4 of Smith).

Accordingly, the Office Action fails to make out a *prima facie* case of anticipation of the claimed invention by Smith.

Reconsideration and withdrawal of this rejection of claims 1-14 is respectfully requested.

### New Claims

Claims 15-18 are added. Clear support for these claims is found in Fig. 4 and the portions of the specification that describe Fig. 4. Claims 15-18 recite further details of the flanges and notch

recesses in those flanges. These claims depend from either claim 1 or claim 8 and patentably define over Figs. 1-3 and Smith at least for reasons discussed above regarding claims 1 and 8, and because of the specific features recited in claims 15-18, which are neither disclosed nor suggested by Figs. 1-3 or by Smith.

Accordingly, Applicants respectfully submit that claims 15-18 are allowable over the applied art.

#### *Additional Cited References*

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

#### *Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Application No.: 10/722,466  
Art Unit 1746

Attorney Docket No. 0465-1103P  
Reply to September 27, 2006 Office Action  
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If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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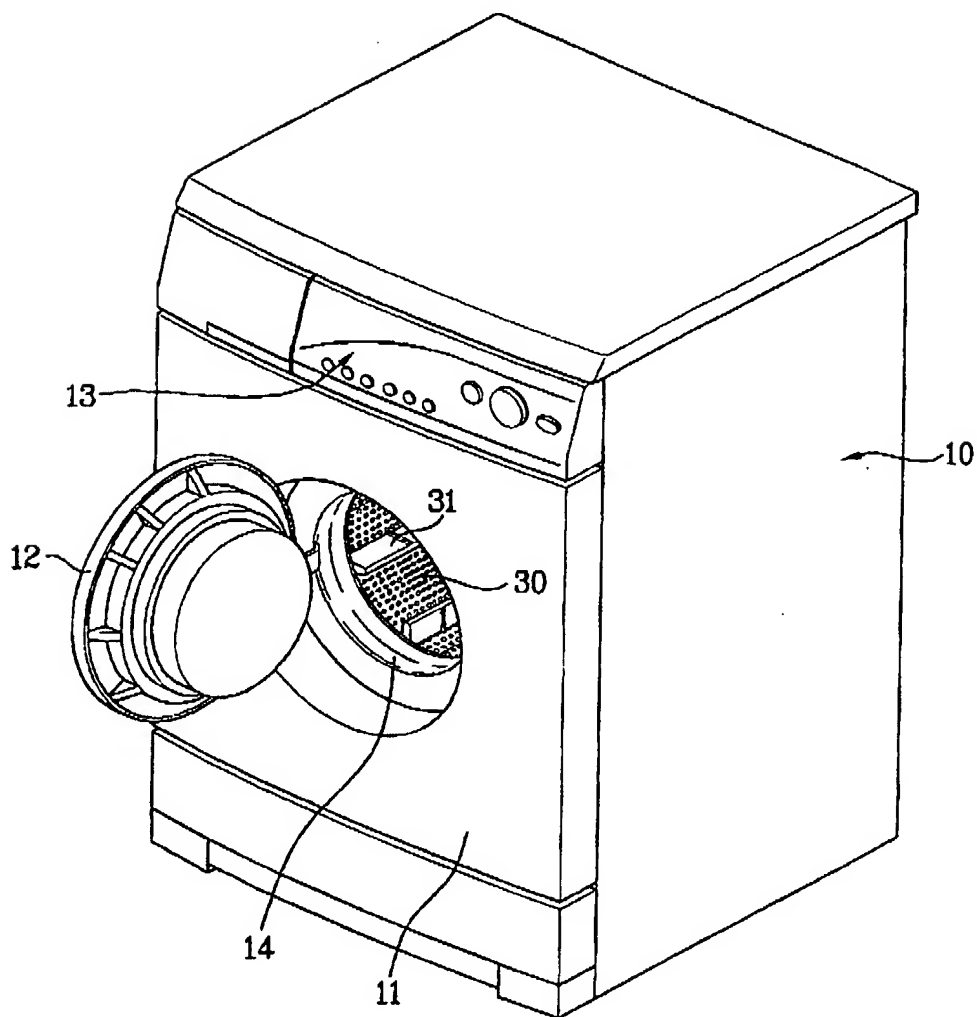
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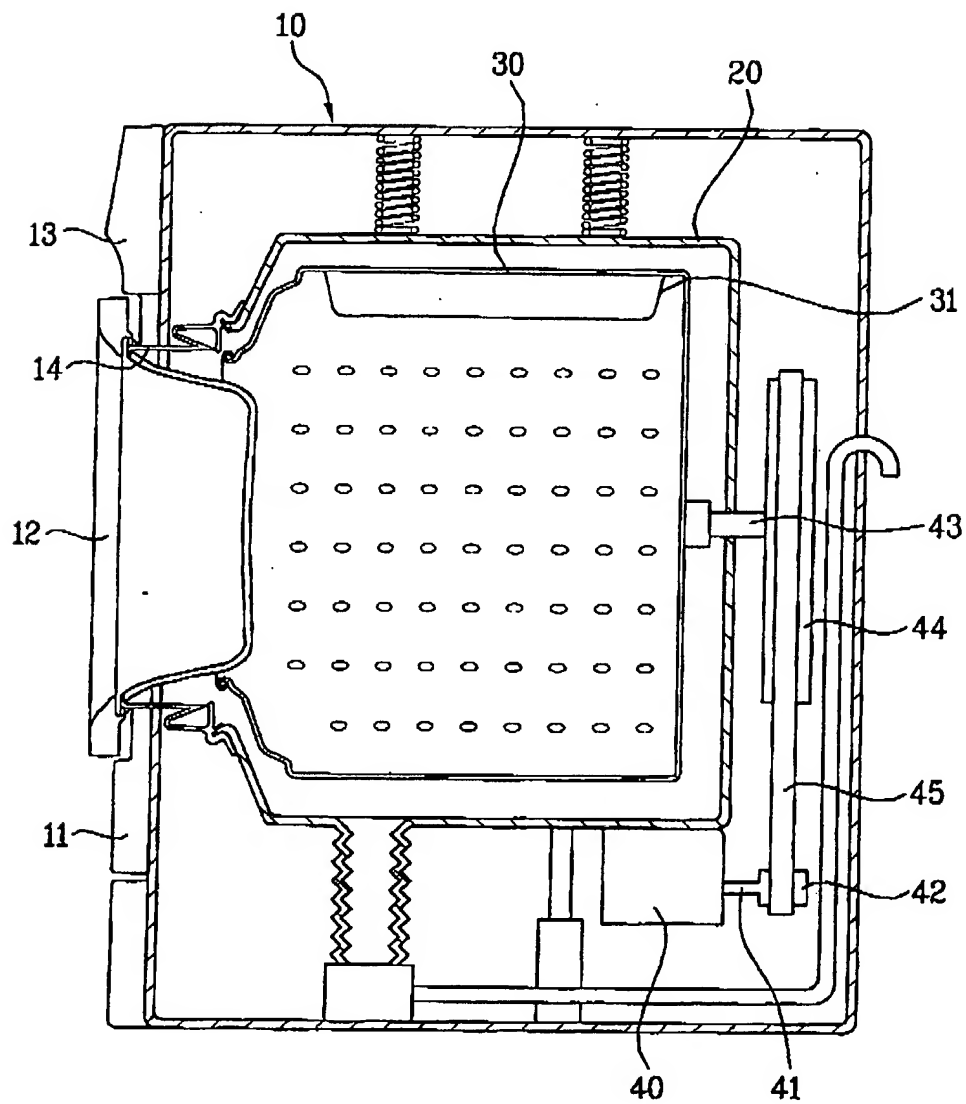


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Attachments: Replacement Drawing Sheets  
Annotated Drawing Sheets

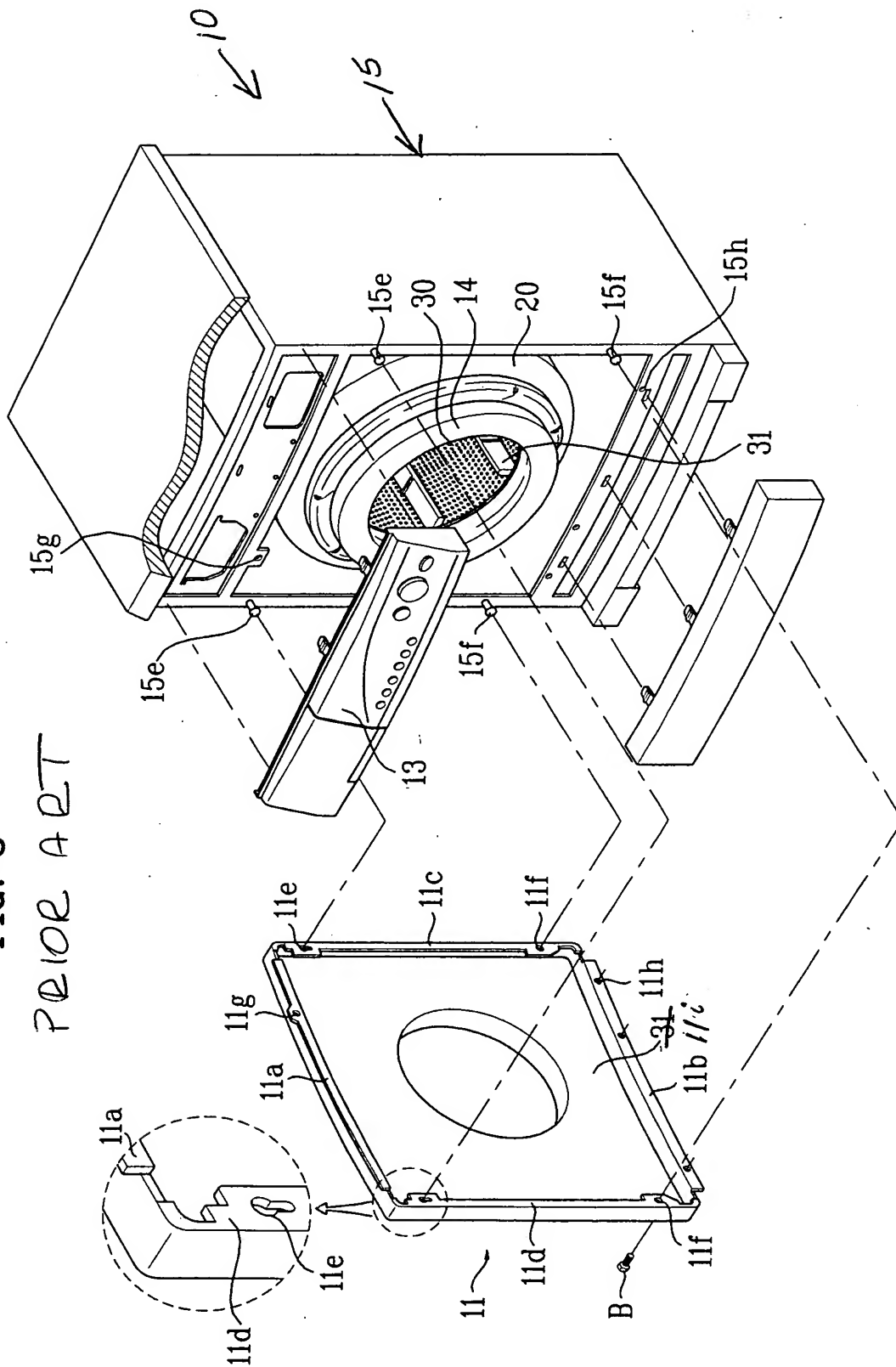


**FIG. 1**  
**Prior Art**

**FIG. 2**  
**Prior Art**

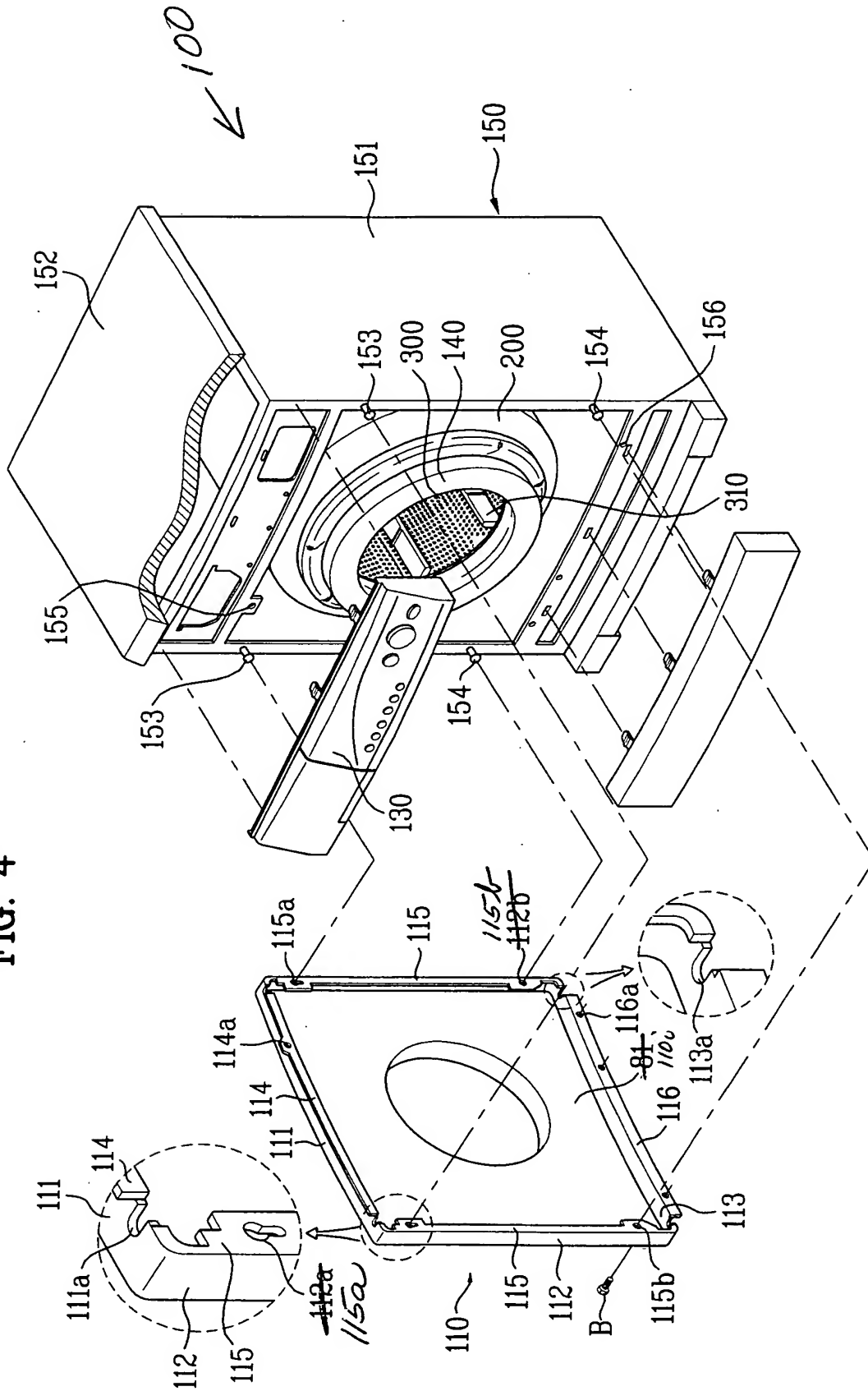
**FIG. 3**

Prior Art



14415 14416

FIG. 4



ANNOTATED SHEET